

FIRST REGULAR SESSION

HOUSE BILL NO. 813

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SELBY.

Read 1st time February 15, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1686L.011

AN ACT

To amend chapter 334, RSMo, by adding thereto one new section relating to prescribing psychiatric medication for a minor.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 334, RSMo, is amended by adding thereto one new section, to be known as section 334.267, to read as follows:

334.267. 1. Before prescribing a psychiatric medication for a minor, any licensed health care professional with prescription authority shall:

(1) Confirm that the minor has received a physical examination by a pediatrician chosen by the minor's parent or legal guardian to eliminate the possibility that the minor's current condition is the result of an adverse or untreated physical condition;

(2) Confirm that any adverse or untreated physical condition detected by the physical examination conducted pursuant to subdivision (1) of this subsection has been treated and the minor has subsequently been reexamined;

(3) Fully explain to the minor's parent or legal guardian the nature of any and all medications recommended for the minor along with possible side effects; and

(4) Obtain written informed consent signed by the parent or legal guardian acknowledging that:

(a) The parent or legal guardian has given consent to the use of the psychiatric medication; and

(b) The requirements of subdivisions (1) to (3) of this subsection have been satisfied.

2. Any licensed health care professional who prescribes a psychiatric medication for a minor shall provide a list of all medications the minor is currently taking with each prescription submitted for filling. An extra copy of the prescription and the list shall be

21 provided to the department of mental health and the parent or legal guardian.

22 **3. The department of mental health shall track the number and kind of psychiatric**
23 **medications prescribed for minors in this state to ensure that reliable figures are available**
24 **on an ongoing basis for the general assembly and other state agencies.**

25 **4. As used in this section, the following terms mean:**

26 **(1) "Legal guardian" includes the state when the custody of a minor has been**
27 **vested in the state; except that, the state shall not authorize a psychiatric medication to be**
28 **prescribed for or given to a minor unless:**

29 **(a) Warranted by an emergency situation documented in the minor's medical file;**
30 **or**

31 **(b) Prior approval is given by the minor's guardian ad litem or a court of law;**

32 **(2) "Minor", a person less than eighteen years of age who:**

33 **(a) Is not married; and**

34 **(b) Has not been declared emancipated by a court of law;**

35 **(3) "Physical examination" includes a check for allergies, thyroid function,**
36 **endocrine function, nutritional problems, common medication sensitivities and possible**
37 **adverse reactions to environmental factors;**

38 **(4) "Psychiatric medication" includes:**

39 **(a) Anticonvulsants, including carbamazepine, divalproex sodium, and other**
40 **similar substances as defined by rule of the department of mental health;**

41 **(b) Antidepressants, including doxepin, lithium, fluoxetine, fluvoxamine, paroxetine,**
42 **veprafaxine, nefazodone, clomipramine, bupropion, amitriptyline, protriptyline,**
43 **imipramine, buspirone, and other similar substances as defined by rule of the department**
44 **of mental health;**

45 **(c) All benzodiazepines, including methylphenidate, dextroamphetamine, pamoline,**
46 **and other similar substances as defined by rule of the department of mental health; and**

47 **(d) All neuroleptics, including chlorpromazine, trifluoperazine, thioridazine,**
48 **perphenazine, prochlorperazine, fluphenazine, thiothixene, haloperidol, loxapone,**
49 **clozapine, risperidone, and other similar substances as defined by rule of the department**
50 **of mental health.**

51 **5. Any licensed health care professional who violates the provisions of this section**
52 **is guilty of the unlawful practice of medicine.**